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PATENT

Attorney Docket No. 2405.0167-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Mads Liendgaard Vigh et al. )

Serial No.: 09/225,655 )

Group Art Unit: 1761

Filed: February 23, 1999 )

Examiner: Not Assigned

For: USE OF D-TAGATOSE AS A )  
PREBIOTIC FOOD COMPONENT )

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

Copies of the listed documents are attached.

A concise statement of relevance of the non-English language document to Bornet et al. is contained on page 3, lines 13-19 of the specification.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine

LAW OFFICES

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that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: Charles E. Van Horn  
Charles E. Van Horn  
Reg. No. 40,266

Date: May 13, 1999



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U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date
	4,786,722	11/22/88	Zehner			
	5,002,612	3/26/91	Beadle et al.			
	5,078,796	1/7/92	Beadle et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Sub Class	Trans. Yes	Trans. No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	<del>○</del>	Bornet, F. et al., "Acides Gras Volatils: Des actions sur le métabolisme glucidique," <i>Le Mouvement Médical</i> , Vol. 44, No. 8, pps. 1051-1055 (1994)
	<del>○</del>	Daly, Charles et al., "Technological and Health Benefits of Dairy Starter Cultures," <i>Int. Dairy Journal</i> , Vol. 8, pps. 195-205 (1998)
	<del>○</del>	Fardet, Anthony et al., "In Vitro Fermentation of Beet Fibre and Barley Bran, of their Insoluble Residus after Digestion and Ileal Effluents," <i>J. Sci. Food Agric.</i> , Vol. 75, pp. 315-325 (1997)
	<del>○</del>	Hague, A. et al., "The Short-Chain Fatty Acid Butyrate Induces Apoptosis in Colorectal Tumor Cell Lines," <i>European Journal of Cancer Prevention</i> , Vol. 4, pp. 359-364 (1995)
	<del>○</del>	Hague, Angela et al., "The Role of Butyrate in Human Colonic Epithelial Cells: An Energy Source or Inducer of Differentiation and Apoptosis?," <i>Proceedings of the Nutrition Society</i> , Vol. 55, pp. 937-943 (1996)
	<del>○</del>	Johnson, I.T., "Butyrate and Markers of Neoplastic Change in the Colon," <i>European Journal of Cancer Prevention</i> , Vol. 4, pp. 365-371 (1995)
	<del>○</del>	Klaenhammer, Todd R., "Functional Activities of <i>Lactobacillus</i> Probiotics: Genetic Mandate," <i>Int. Dairy Journal</i> , Vol. 8, pp. 497-505 (1998)
	<del>○</del>	Macfarlane, G.T. et al., "The Colonic Flora, Fermentation, and Large Bowel Digestive Function; in The Large Intestine, <i>Physiology, Pathophysiology and Disease</i> , Chapter 4, pp. 51-92 (1991)
Examiner		Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date
	5,356,879	10/18/94	Zehner et al.			
	5,447,917	9/5/95	Zehner et al.			
	5,709,857	6/20/98	Morelli et al.			

FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	<input checked="" type="checkbox"/>	Martin, Lucile J.M. et al., "Production of Short-Chain Fatty Acids from Resistant Starch in a Pig Model," <i>J. Sci. Food Agric.</i> , Vol. 77, pp. 71-80 (1998)
	<input checked="" type="checkbox"/>	Mortensen, Per Brobech et al., "Short-Chain Fatty Acid Production from Mono- and Disaccharides in a Fecal Incubation System: Implications for Colonic Fermentation of Dietary Fiber in Humans," <i>American Institute of Nutrition</i> , pp. 321-325 (1987)
	<input checked="" type="checkbox"/>	Rapaille, A. et al., "Maltitol, recent findings on colonic health," <i>Fie Seminars</i> , pp. 124-127 (1997)
	<input checked="" type="checkbox"/>	Roediger, W.E.W., "Role of Anaerobic Bacteria in the Matabolic Welfare of the Colonic Mucosa in Man," <i>Gut</i> , Vol. 21, pp. 793-798 (1980)
	<input checked="" type="checkbox"/>	Velázquez, Omaida C. et al., "Butyrate and the Colonocyte: Implications for Neoplasia," <i>Digestive Diseases and Sciences</i> , Vol. 41, No. 4, pp. 727-739 (1996)
Examiner		Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.</p>		